

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE JADE FARM LLC,

Plaintiff,

-against-

DARA MIRAHANGIRY, et al.,

Defendants.

USDC SDNY
DOCUMENT
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22-CV-3128 (VEC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during today's discovery conference, it is hereby ORDERED

that:

1. Plaintiff's motion regarding additional search terms to be applied to defendants' ESI search (Dkt. 87) is GRANTED IN PART, to the extent that the list of search terms to be employed by the neutral forensic expert pursuant to ¶ 2(d) of the Court's Order dated March 2, 2023 (Dkt. 81) is expanded to include the following terms:
 - a. Juelan
 - b. Jue Lan
 - c. Opentable
 - d. Open Table
 - e. Tripleseat
 - f. Triple Seat
 - g. Brain
 - h. Brains
 - i. Flyer
 - j. Revenge
 - k. Room
2. Plaintiff's motion to reopen discovery (Dkt. 91) is GRANTED IN PART, to the extent that plaintiff may take a one-half day (3.5 hour) deposition of non-party George Vas. The Vas deposition shall completed no later than **June 2, 2023**, which remains the deadline for completing the discovery set forth in the March 2, 2023 Order and above.
3. Plaintiff's motion to compel the deposition of defendant Milan Licul, made orally at today's conference, is DENIED. Not only is the motion procedurally improper (*see* Local Civ. R. 37.2; Moses Ind. Prac. § 2(b)); it is untimely. Almost three months have passed since January 26, 2023, which is when plaintiff initially scheduled the Licul deposition. During that period, fact discovery closed; plaintiff filed multiple discovery letter-motions, but did not seek to compel the Licul deposition (*see* Dkts. 61, 71, 73, 83, 85, 87, 91); and the Court conducted two prior discovery conferences, at which plaintiff did not raise the Licul deposition. It is now too late to do so.

4. Counsel are reminded that, as Local Civ. R. 26.4(a) makes clear, they are "expected to cooperate with each other . . . in all phases of the discovery process and to be courteous in their dealings with each other, including in matters relating to scheduling and timing of various discovery procedures." *See also* Moses Ind. Prac. § 2(b) ("Counsel must respond promptly and in good faith to a request from another party" regarding a discovery matter). Ignoring such a request may be grounds for the imposition of sanctions.
5. Counsel are further reminded that the Court has scheduled a status conference for **May 17, 2023, at 10:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan Courthouse. The parties' joint status letter, due no later than **May 10, 2023**, shall include updates on the progress of the discovery set forth in the March 2, 2023 Order as well as this Order.
6. All relief not expressly granted herein is DENIED.
7. The Clerk of Court is respectfully directed to close the motion at Dkt. 91.

Dated: New York, New York
April 26, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge